

Council Communication

Department: Community Development Case No.: URN-10-001 Applicant: Community Development Department	Resolution No.: <u>10-98</u>	City Council: 3-29-10 Planning Commission: 3-9-10 First Reading: 3-29-10 Second Reading: 4-12-10 Third Reading: 4-26-10						
Subject/Title								
Creation and adoption of the Nash Boulevard Urban Renewal Plan								
Location								
South of Interstate 29, south of Avenue N (Nash Boulevard), west of North 22 nd Street and east of North 24 th Street								
Background/Discussion								
<u>Background</u> Section 403 of the Iowa Code allows a municipality to use urban renewal powers in locations that are declared either as a slum and blighted or economic development area. Once pronounced an urban renewal area, various actions are allowed to be undertaken in order to rehabilitate, conserve, redevelop or develop the affected property. In the past, the City of Council Bluffs has pursued urban renewal activities in several areas of the City. The purpose of these activities was to remove blighting conditions, protect or improve the economic viability of property and to increase the taxable value of properties within these areas. These areas have been selected due to their economic importance to the City and/or the presence of the blighting conditions which threaten either their current stability or deter future development. It has been determined that the need exists for urban renewal actions in an area located in northwestern Council Bluffs, south of Avenue N (Nash Boulevard), west of North 22 nd Street and east of North 24 th Street. This area is currently the site of a vacant and blighted former hotel and adjacent vacant land. Assistance in the form of an urban renewal project area, conforming to the Section 403 of Iowa Code, is necessary to acquire land; improve regulatory control; improve public infrastructure and facilities; and to allow for private development of vacant land. <u>Discussion</u> On February 22, 2010, the City Council passed a resolution of necessity which directed staff to initiate the process of creating the Nash Boulevard Urban Renewal Plan and Area. This resolution established the following actions and timeframes: <table style="margin-left: 40px; border: none;"><tr><td style="padding-right: 20px;">March 4, 2010</td><td>Consultation hearing with affected taxing jurisdictions</td></tr><tr><td>March 9, 2010</td><td>City Planning Commission hearing and review</td></tr><tr><td>March 29, 2010</td><td>City Council public hearing</td></tr></table> The consultation hearing was held on March 4, 2010 and no individuals or groups appeared at the hearing. Additionally, no written correspondence has been received by the Community Development Department either in support or against the proposed plan.			March 4, 2010	Consultation hearing with affected taxing jurisdictions	March 9, 2010	City Planning Commission hearing and review	March 29, 2010	City Council public hearing
March 4, 2010	Consultation hearing with affected taxing jurisdictions							
March 9, 2010	City Planning Commission hearing and review							
March 29, 2010	City Council public hearing							

Iowa statutes require the City Planning Commission to review the plan for conformity to the comprehensive plan and to forward a recommendation to City Council prior to public hearing. An urban renewal plan conforming to the requirements of Chapter 403 of the Iowa Code has been prepared and is attached for your review.

The 1994 Comprehensive Plan (general plan) for the City identifies the future land use for the project area as C-2/General Commercial. The planned activity for the site is development of a single-family and two-family subdivision which requires a general plan amendment and rezoning. Prior to the adoption of this urban renewal plan, the City needs to adopt a general plan amendment identifying one and two family residential as the future land use within the project area.

Staff Recommendation

The Community Development Department recommends approval of the Nash Boulevard Urban Renewal Plan and Area and first consideration of the TIF ordinance.

Public Hearing

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends creation of the Nash Boulevard Urban Renewal Plan and adoption of the required plan for the area south of Interstate 29, south of Avenue N (Nash Boulevard), west of North 22nd Street to North 24th Street.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments

Nash Boulevard Urban Renewal Plan

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
 Approved by: Donald D. Gross, Director, Community Development Department

CITY OF COUNCIL BLUFFS

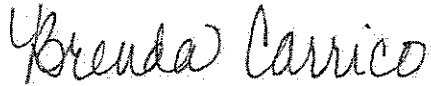
**PROCEEDINGS OF THE CONSULTATION BETWEEN
THE CITY AND AFFECTED TAXING ENTITIES**

NASH BOULEVARD URBAN RENEWAL PLAN

The consultation between the City and affected taxing entities on the Nash Boulevard Urban Renewal Plan was held on March 4, 2010, at 10:00 a.m. The meeting was held in the Community Development Department Conference Room, 403 Willow Avenue, Council Bluffs, Iowa. Brenda Carrico, the City's Community Development Program Coordinator served as the representative for the consultation meeting.

No individuals or groups appeared at the consultation hearing.

No written correspondence has been received by the Community Development Department prior to the consultation meeting.

A handwritten signature in cursive script that reads "Brenda Carrico". The signature is written in dark ink and is positioned above a horizontal line.

Brenda Carrico, Program Coordinator
Community Development Department

NASH BOULEVARD

URBAN RENEWAL PLAN



CITY OF COUNCIL BLUFFS, IOWA
MARCH 29, 2010

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CHAPTER I

Background

The City of Council Bluffs is in the process of obtaining title to the abandoned hotel and surrounding property located along Nash Boulevard. Between March 2007 and to date, the property received numerous citations for maintaining an unsafe and unsecured building which constituted a public nuisance. In 2008, the City filed an Abandonment Action as defined by Section 657A of the Iowa Code against Castle Development-Construction, Inc. seeking clear title to the property and in November 2009 the Court awarded the title to the City.

The property is 8.24 acres and is currently zoned C-2/General Commercial. The City plans to rezone the property and assist with the development of the property into a residential subdivision with single-family and two-family homes. The plan also includes infrastructure improvements on the site as well as along North 24th Street between Nash Boulevard to Avenue L. The general location and boundaries of the Nash Boulevard Urban Renewal Plan are shown in Illustration 1: City Location Map and Illustration 2: Boundary Map.

It has been determined that the need exists for urban renewal actions in this area. These actions are necessary in order to eliminate existing blight by removing the vacant, blighted hotel and to improve the land use in the area. Assistance in the form of an urban renewal project area, conforming to Section 403 of the Iowa Code, is necessary to acquire land; remove blighted, incompatible or undesirable land uses; improve regulatory control; improve transportation access; improve public infrastructure and facilities; develop recreational opportunities; and to allow for private development or redevelopment on cleared or vacant land. This project is to be called the Nash Boulevard Urban Renewal Plan, and its purpose, objectives and project proposals are described within this document.

CHAPTER II

Description of Urban Renewal Area

1. Project Area Description

The Nash Boulevard Urban Renewal Area is located in northwestern Council Bluffs immediately south of Interstate 29, south of Avenue N (Nash Boulevard), west of North 22nd Street and east North 24th Street. The area is legally described as part of the NW1/4 NW1/4 of Section 26-75-44 described as follows: Commencing 304.38' North and 33' East of the SW Corner of the NW1/4 NW1/4, thence North 440.72', Northeasterly 690.69', South 716.57' and West 619.98' to the Point of Beginning, along with that part of North 24th Street right-of-way lying north of the North line of Avenue L and south of the South line of Avenue N/Nash Boulevard.

The project area is a vacant hotel with adjacent parking areas and vacant land. With the single family and multi-family residential presence nearby, the urban renewal area has good potential for various residential housing types. Surrounding neighborhoods and developments are shown in Illustration 3: Neighborhood Map.

2. Structural Conditions

The site currently has two buildings both in very poor condition. The hotel has been vacant for many years. It has been broken into on several occasions and been sprayed with graffiti. Both buildings have had the plumbing and electrical systems stripped from the interior. The buildings are boarded up and do not meet local building code requirements. The utilities have also been shut off. Numerous public safety calls have been made to the property and it is a threat to the health, safety, and welfare of the general public. The property has not been maintained at all and has attracted transients and other nuisance activities. A vacant lot adjacent to the hotel buildings is also part of the urban renewal area. It served as the parking lot for the hotel. However, now its asphalt covering is severely cracked in areas and overgrown with weeds. Additionally, the hotel owners have failed to pay taxes on the property and the property has been sold at a tax certificate sale.

Structural conditions of the surrounding commercial buildings are fair to good. The New Life Assembly Church located south of the project area is in good condition. The storage area and small commercial building west of the site is in fair condition. Single-family homes east and south of the project area range from newer construction in good condition to intermittent blighted structures in poor condition.

3. Transportation

The project site will have two main entrances located on Nash Boulevard. Nash Boulevard is a two lane collector street that carries approximately 8,300 vehicles per day that has both north and southbound access to Interstate 29. Another entrance to the project site will be on North 24th Street, which carries less than 2,000 vehicles per day.

4. Public Utilities and Services

The western and northern portions of the urban renewal area has direct access to the municipal water system, sanitary facilities and storm sewers from North 24th Street and Nash Boulevard, but all public infrastructure will need to be constructed to accommodate future development within the site. Illustration 4: Public Utilities and Services shows current municipal service line locations near the property.

5. District Designation

The Nash Boulevard Urban Renewal Area is being designated as a blighted area which exhibits conditions that constitute a serious economic and social liability and which negatively impacts the sound growth of the City.

CHAPTER III

Land Use and Redevelopment

1. Existing Land Use and Zoning

The existing land use of the project area and the surrounding area is primarily residential in nature. There are two areas zoned R-3/ Low Density Multi-Family Residential to the west of the project site. Land to the north of Interstate 29 is zoned industrial, however it is vacant. Illustration 5: Existing Land Use and Zoning identifies current zoning for the project area and surrounding land.

2. Conformance with City Comprehensive Plan

The 1994 Comprehensive Plan (general plan) for the City identifies the future land use for the project area as C-2/General Commercial. The planned activity for the site is development of a single-family and two-family subdivision which requires a general plan amendment and rezoning. Prior to the adoption of this urban renewal plan, the City will adopt a general plan amendment identifying one and two family residential as the future land use within the project area. Therefore, the Nash Urban Renewal Plan will conform to the City's comprehensive plan for the development of the City as a whole.

3. Redevelopment Analysis

The area proposed for the Nash Boulevard Urban Renewal Plan has not been developed because of several constraints. These constraints include the following:

a. Previous Ownership

The previous owners have attempted on several occasions to redevelop the site several different ways. During this time period, the property was sold to another company who continued to discuss new development until the hotel became vacant. In 2008, the City filed an Abandonment Action against the owners and was awarded title in November 2009.

b. Infrastructure Development

Currently, no public utilities and services extend into the site. In order for viable development to occur in this blighted area, it is essential that storm sewer, sanitary sewer and water service be extended. Sanitary sewer is available from Nash Boulevard and storm sewer and water service will need to be extended from North 24th Street. The existing streets in the area are chip seal roads that do not meet current City standards. They do not have curbs and gutters, sidewalks or storm sewer capabilities.

c. Environment

The area's flat topography, high water table and the lack of storm water sewer facilities leads to drainage problems. The project area is located within a 500-year floodplain and the problem of periodic flooding during heavy precipitation has limited development. This

problem can be mitigated by establishing positive drainage for building sites and by constructing an adequate storm water sewer system.

d. Noise

Due to the close proximity of Interstate 29, noise attenuation may be required for the subsequent residential development. Development of plans to reduce noise will be needed to achieve a suitable noise level. This may include using double hung windows, insulation board, and fiberglass insulation and solid wood doors.

4. Description of Implementation Activities

The City of Council Bluffs shall take actions necessary to achieve the objectives of this plan. These actions may include, but not be limited to the following activities:

- a. Acquisition and demolition of the current blighted structures and property and removal of all concrete and aggregate material.
- b. Public utility extensions and public improvements for the proposed development will include construction of sanitary sewer, storm sewer, water, street and public sidewalk extensions. Municipal services currently exist adjacent to the project area and will make for easy connection to these services. As part of the redevelopment of the site, improvements to North 24th Street from Nash Boulevard to Avenue L may be necessary. The street is currently substandard and consists of an asphalt surface, open ditch drainage and no storm sewer. The plan calls for the reconstruction of this street to current city standards.
- c. Construction of a residential subdivision with a mix of single-family and two-family homes. Lots will be sold at not less than fair market value to private developers for development. At this time, we may consider offering first time homebuyer assistance to eligible low and moderate income homebuyers for a portion of the properties sold.
- d. Creation of a state designated enterprise zone. This will allow qualified developers or contractors to receive available enterprise zone incentives, such as a refund of state sales, service or use taxes paid during construction and a 10% investment tax credit directly related to the construction of new housing (up to the first \$140,000 of value for each home or unit).

CHAPTER IV

Project Objectives

This plan is intended to strengthen the economy, enhance the viability, and stimulate the development of the surrounding area through the elimination of those factors which have inhibited the full development of the area. The demolition of the blighted commercial structures and installation of the necessary municipal infrastructure will help accomplish this. This plan is intended to achieve the following objectives:

1. Protect the health, safety and general welfare of City residents through the removal or elimination of slums, blighted and substandard conditions that exist in the area.
2. Improve public streets and infrastructure to adequately support the desired land use by correcting substandard street pavement conditions and upgrading or installing public infrastructure to support existing and probable levels of additional development to contemporary standards and requirements.
4. Provide for the creation of a unified land use district throughout the project area whose physical development is consistent with the area's residential character.
5. Reduce visual clutter occurring within the area.
6. Provide for adequate public utility services to ensure the development of the area.
7. Provide for the appropriate public storm water drainage and control to promote the development of the area.
8. Redevelop non-conforming, commercial land uses in a manner that is consistent with the surrounding neighborhood.

CHAPTER V

Proposed Urban Renewal Activities

1. URBAN RENEWAL POWERS

The proposed actions in the project area for the Nash Boulevard Urban Renewal Plan will consist of one or more of the following actions as outlined by Chapter 403 of the Iowa Code.

- a. Dedicate, sell, convey or lease any interest in City property, or grant easements, licenses or other rights or privileges.
- b. Incur the expense of any public improvements made by the City through exercising the powers granted by Chapter 403 of the Iowa Code.
- c. Do any and all things necessary to aid or cooperate in planning of the urban renewal area or project.
- d. Lend, grant or contribute funds which further the objectives of this plan.
- e. Enter into agreements respecting actions to be taken pursuant to any of the powers granted by Chapter 403 of the Iowa Code.
- f. Cause public buildings and public facilities, including parks, playgrounds, and recreational, community, educational, water, sewer or drainage facilities, or any other works which the City is otherwise empowered to undertake to be furnished.
- g. Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places.
- h. Plan or replan, zone or rezone any part of the project area.
- i. Cause administrative and other services to be furnished to the City.
- j. Use condemnation powers under Section 403.7 and Chapters 6A and 6B of the Iowa Code or other authority to acquire property for uses allowed under urban renewal law.
- k. The provision of down payment assistance to eligible low and moderate income homebuyers.

2. Description of Urban Renewal Activities to be Undertaken

- a. Installation of Public Infrastructure – The City may remove or install public improvements and facilities in accordance with the objectives of this plan. Such public improvements may include, but are not limited to the following: utilities,

streets, sidewalks, transit stops, park and recreational facilities, parking and landscaping. Specific streets have been identified as priority to receive infrastructure improvements. These streets include North 24th Street from Nash Boulevard to Avenue L, which would service existing and future residential developments.

Municipal Code requires that all building sites have direct access to an open city street that has been improved and maintained by the city and is regularly used by the general public. Public sidewalks are also required for building sites that abut a city street. Building sites are also required to have direct access to the municipal sanitary sewer system and adequately handle storm water run-off without adversely affecting abutting property owners with an increase in run-off. All sites must have direct access to city water or be serviced by a well in such a capacity to satisfy not only the needs of the structure, but also to provide fire protection.

- b. Subdivision and Vacation of Right-of-Way – As allowed by law, the City may subdivide, vacate, resubdivide, or otherwise change the recorded arrangement of property in its control to accomplish the objectives of this plan.
- c. Continued Project Area Planning – As allowed by law, the City will also participate in planning efforts with other public and private interests where these will further help to accomplish plan objectives. The City will be responsible for reviewing planning proposals and for coordinating such proposals so as to implement the objectives of this plan. The City will take the initiative to bring zoning and other regulations and plans for public facilities into conformance with the plan.

The City expects to continue efforts to assess and respond to the problems, needs, and opportunities of the project area through additional technical studies, through the preparation of more detailed plans, through discussion with property owners, prospective developers, citizens, and public officials, and through various engineering, parking, landscaping, economic, design and related studies. This effort may result in the publication from time to time, of additional reports, regulations, guidelines, project plans, or other documents that aid in defining the objectives of this plan.

- d. Residential Infill and Redevelopment Projects – The City has been actively pursuing several sources of additional funding at the local, state and federal level to assist with the significant financial burden of installing adequate infrastructure within the project area. Improvements include the installation of three blocks of public infrastructure and paving. Construction of public improvements may begin in the spring of 2010 and may be completed in the summer of 2010. These improvements will assist with the development of a single-family/two-family subdivision that has been proposed by the City. As part of the redevelopment of the site, improvements to North 24th Street from Nash Boulevard to Avenue L may be necessary. The street is currently substandard and consists of an asphalt surface, open ditch drainage and no storm sewer. The plan calls for the reconstruction of this street to current city standards. The total estimated for the new internal subdivision streets and the improvements to Nash Boulevard is approximately \$1,500,000.

3. Tax Increment Financing

The City of Council Bluffs has a constitutional debt limit of \$221,438,407 as of June 30, 2009, the date of its last audited financial statements. As of June 30, 2009, the outstanding general obligation debt of the City was \$55,845,000. The City may use the division of revenue authorized by Iowa Code Section 403.19 to finance the proposed urban renewal activities within the Nash Boulevard Urban Renewal Area in such manner as may be permitted under Chapter 403 of the Code of Iowa. A specific amount of tax increment debt to be incurred (including loans, advances, indebtedness, or bonds) for projects over time has not yet been determined. The City Council will consider each request for assistance or project proposal on a case-by-case basis to determine if it is in the City's best interest to participate. It is estimated that the City's cost for the initial anticipated projects discussed herein will be approximately \$1,500,000.

CHAPTER VI

Other

This plan may be amended to add additional land use controls and regulations for development of sub-areas within the project area. These additional land use controls and regulations will provide the basis for control by the City of Council Bluffs for any and all real property disposed of by the City for private development within the area and control of public projects and improvements.

a. Effective Term

This plan will become effective upon its adoption by the City Council and will remain in effect until it is repealed by the City Council.

Because this urban renewal area is based on blight findings, there is no statutory limit on the number of years in which tax increment revenues may be collected by the City for its project indebtedness for the purpose of alleviating blight.

b. Procedure for Amendment

In accordance with Chapter 403, Section 403.5 (5) of the Code of Iowa, this plan may be further amended or modified at any time: provided, that if modified after the lease or sale by the municipality of real property in the project area, such modifications shall be subject to such rights at law or in equity as a lessee, purchaser, or covenantor, or his or her successor or successors in interest, may be entitled to assert.

If the City desires to make any further change or modification of this plan, it may do so as required by Section 403.5 of the Code of Iowa, or any successor provision thereof.

c. Effect of Creation of Urban Renewal Plan and Project Area

The adoption of the Nash Boulevard Urban Renewal Plan and Project Area will not adversely affect other urban renewal areas. However, the City has determined that an urban renewal program will best serve the existing and anticipated needs of the area rather than other potential City programs. The City has further determined that blight remediation is likely to occur only if the City becomes actively involved in the development effort pursuant to the urban renewal powers vested in it under Chapter 403 of the Iowa Code.

ILLUSTRATIONS

Illustration 1 – City Location Map



Illustration 2 – Boundary Map



Illustration 3 – Neighborhood Map

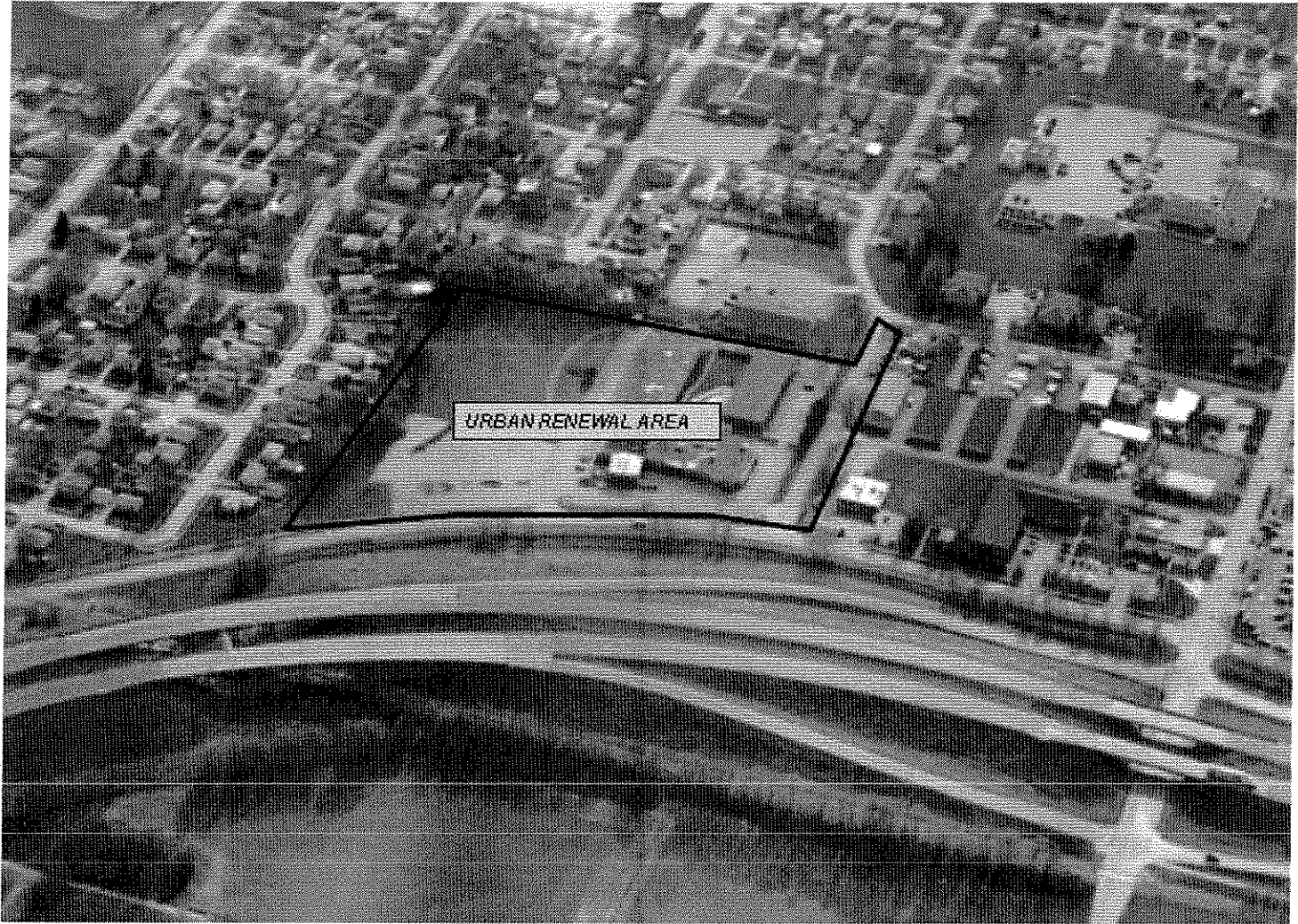
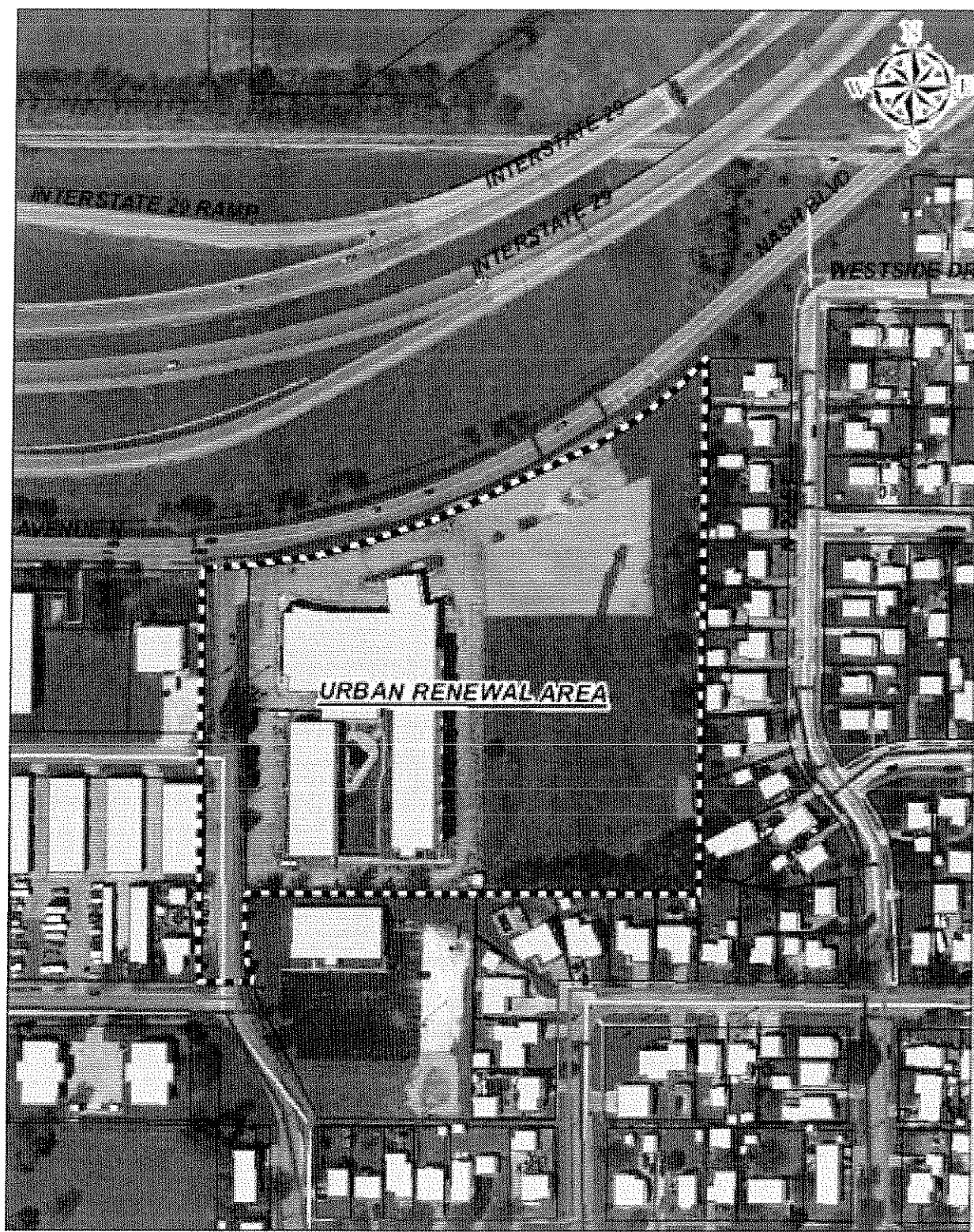


Illustration 4 – Public Utilities and Services



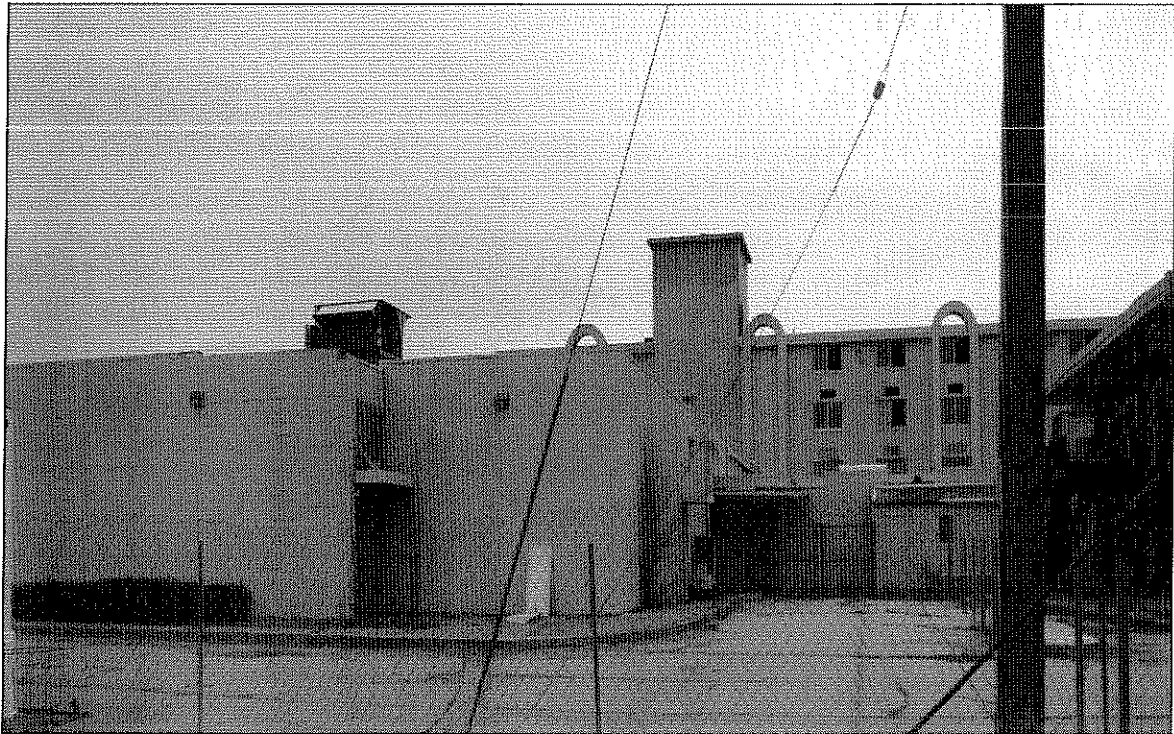
STORM SEWER
SANITARY SEWER
WATER

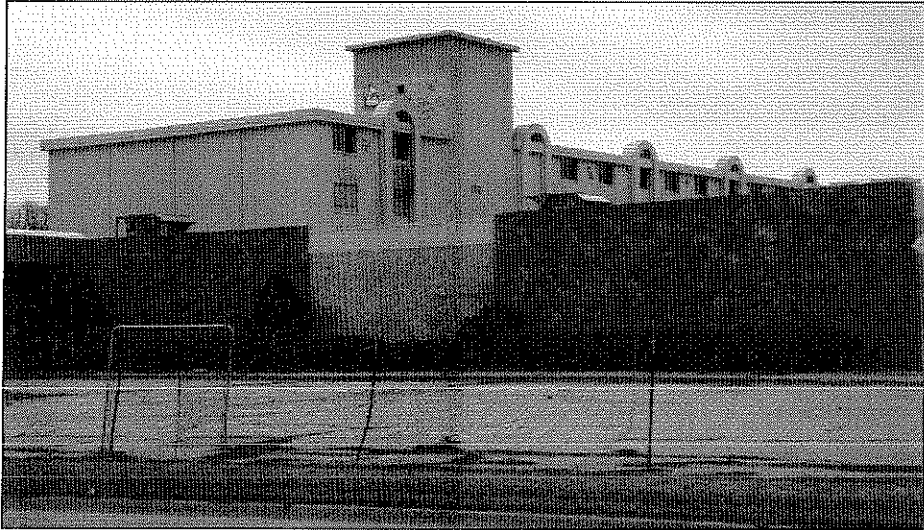
Illustration 5 – Existing Land Use and Zoning



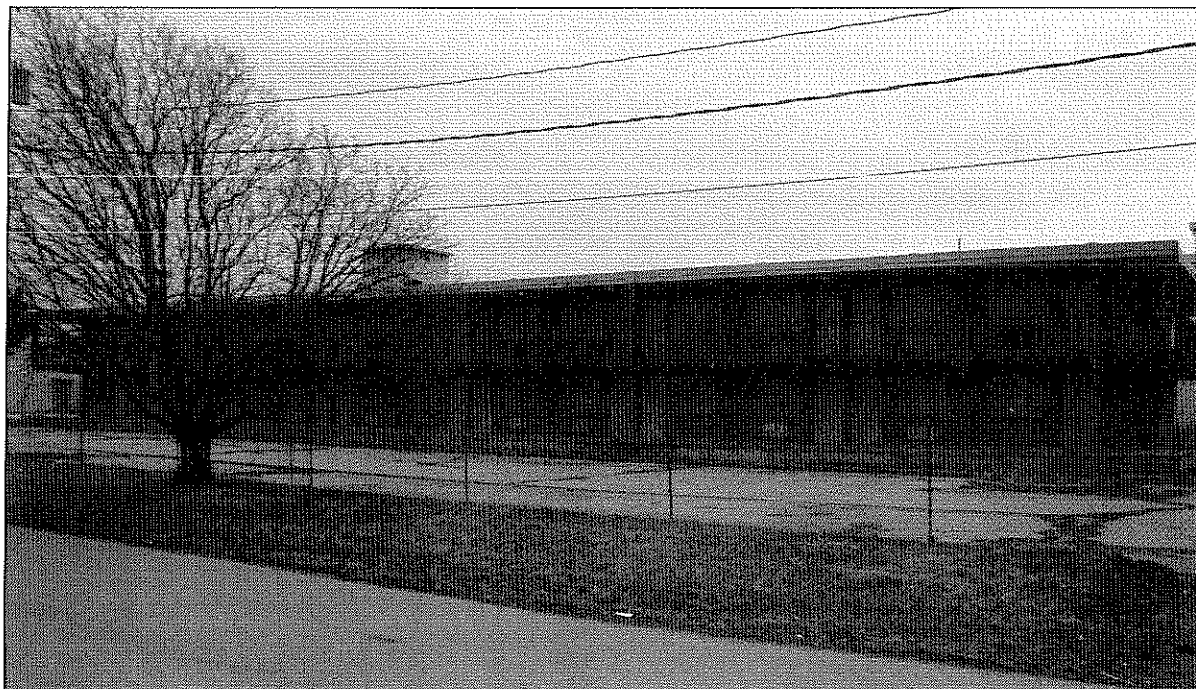
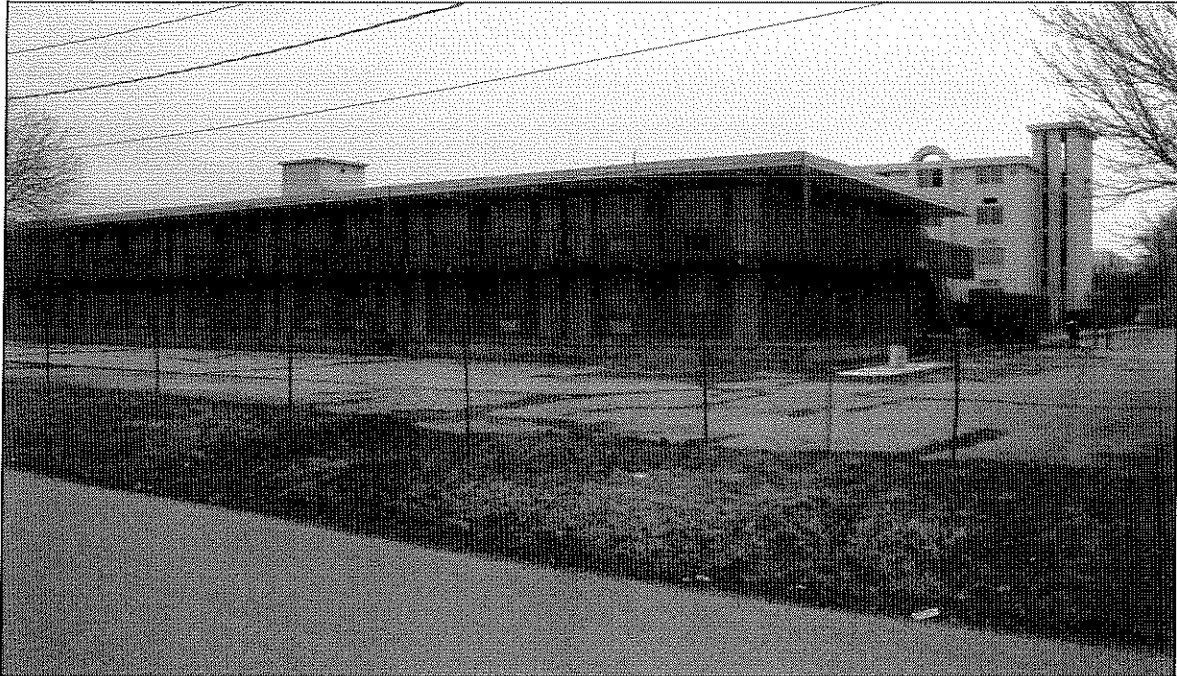
SITE PHOTOGRAPHS

Main Hotel Structure





Secondary Structure



(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Council Bluffs, State of Iowa.
Date of Meeting: March 29, 2010.
Time of Meeting: 7:00 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- Public hearing on the proposed Nash Boulevard Urban Renewal Plan.
- Resolution determining an area of the City to be a blighted area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an Urban Renewal Project; and adopting the Nash Boulevard Urban Renewal Plan therefor.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Marcia L. Worden, City Clerk
City of Council Bluffs, State of Iowa

March 29, 2010

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan in the chair, and the following named Council Members:

Absent:

* * * * *

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Nash Boulevard Urban Renewal Plan, the Mayor first asked for the report of the Designated Representative with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Council was informed that the consultation was duly held as ordered by the Council, and that no written recommendations were received from affected taxing entities. The report of the Designated Representative with respect to the consultation was placed on file for consideration by the Council.

The Council also was informed that the proposed Plan had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the minutes or report of the Commission previously placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Plan, and the City Clerk reported that no written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the Nash Boulevard Urban Renewal Plan and no were made. The public hearing was then closed.

{Attach summary of objections here}

Council Member _____ then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE NASH BOULEVARD URBAN RENEWAL PLAN THEREFOR" and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 10-98

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE NASH BOULEVARD URBAN RENEWAL PLAN THEREFOR

WHEREAS, this Council has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law; and

WHEREAS, a proposed Nash Boulevard Urban Renewal Plan for the area described below has been prepared, which proposed Plan is on file in the office of the City Clerk and which is incorporated herein by reference; and

WHEREAS, this proposed Urban Renewal Area includes and consists of:

Part of the NW1/4 NW1/4 of Section 26-75-44 described as follows: Commencing 304.38' North and 33' East of the SW Corner of the NW1/4 NW1/4, thence North 440.72', Northeasterly 690.69', South 716.57' and West 619.98' to the Point of Beginning, along with that part of North 24th Street right-of-way lying north of the North line of Avenue L and south of the South line of Avenue N/Nash Boulevard.

WHEREAS, the proposed urban renewal area may include land classified as agricultural land and, if so, written permission of the current owners has been obtained; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the proposed Nash Boulevard Urban Renewal Plan to be known hereafter as the "Nash Boulevard Urban Renewal Plan"; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Nash Boulevard Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the City as a whole, prior to City Council approval thereof; and

WHEREAS, creation of the Nash Boulevard Urban Renewal Area and adoption of the Nash Boulevard Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on February 22, 2010, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Nash Boulevard Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Nash Boulevard Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Nash Boulevard Urban Renewal Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the "Daily Nonpareil", which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Nash Boulevard Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in the proposed "Nash Boulevard Urban Renewal Plan" for the area of the City of Council Bluffs, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Nash Boulevard Urban Renewal Area"), be and the same are hereby adopted and approved as the findings of this Council for this area.

Section 2. This Council further finds:

- A. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Nash Boulevard Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;
- B. The Urban Renewal Plan conforms to the general plan for the development of the City as a whole; and
- C. As to any areas of open land to be acquired by the City included within the Nash Boulevard Urban Renewal Area:
 - 1. Residential use is expected and with reference to those portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

2. Non-residential use is not expected, however, with reference to any portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Nash Boulevard Urban Renewal Area is a blighted area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That the Nash Boulevard Urban Renewal Plan, attached hereto as Exhibit A and incorporated herein by reference, be and the same is hereby approved and adopted as the "Nash Boulevard Urban Renewal Plan for the Nash Boulevard Urban Renewal Area"; the Nash Boulevard Urban Renewal Plan for such area is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of the Nash Boulevard Urban Renewal Plan with the proceedings of this meeting.

Section 5. That the Nash Boulevard Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the later of the date of termination set forth in the Plan or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. Said Nash Boulevard Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 29th day of March, 2010.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF POTTAWATTAMIE

)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

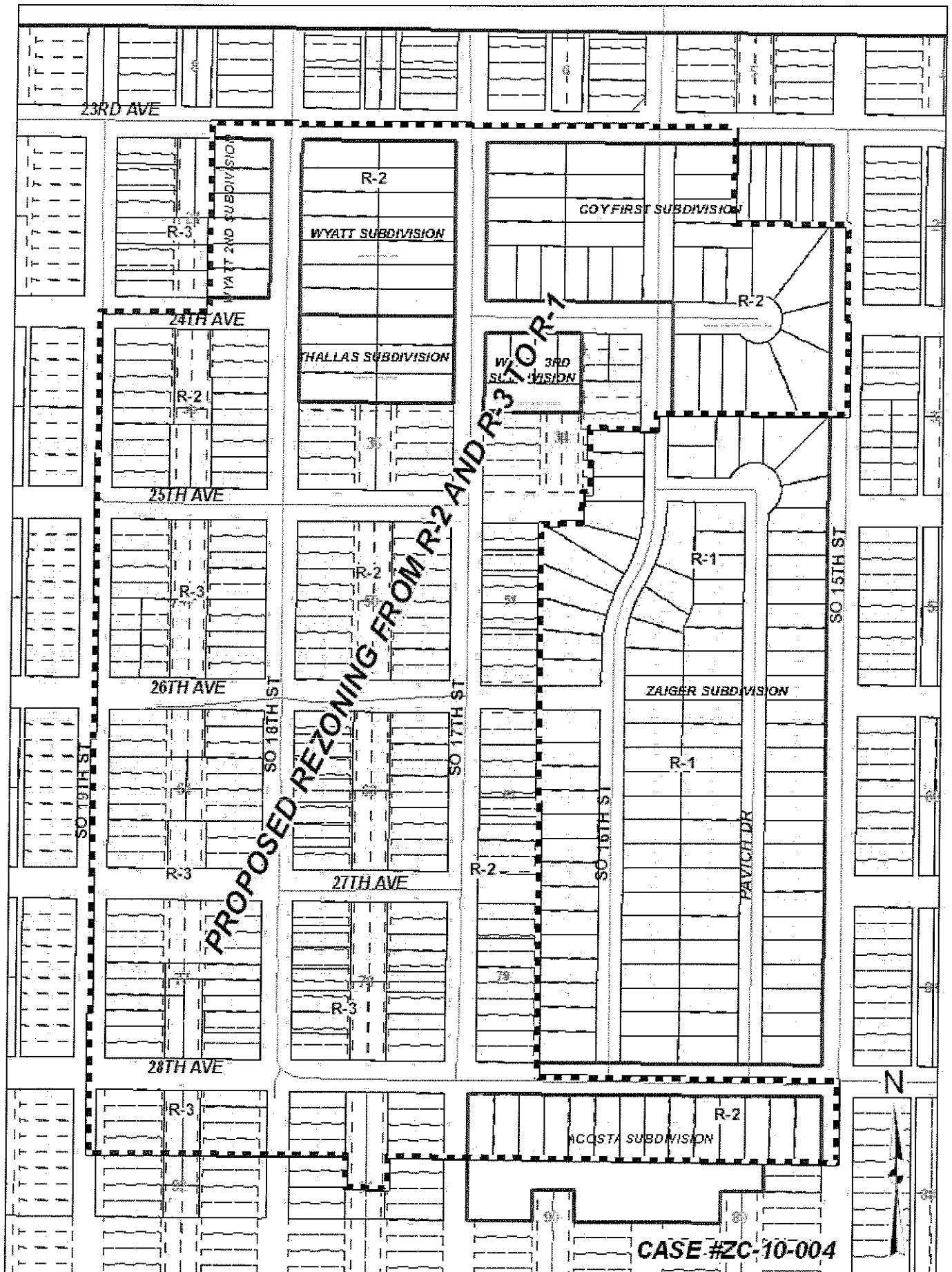
WITNESS my hand and the seal of the City hereto affixed this 30th day of March, 2010.

Marcia L. Worden, City Clerk
City of Council Bluffs, State of Iowa

(SEAL)

Council Communication

Department: Community Development Case #ZC-10-004 Applicant: Community Development Department	Ordinance No. <u>6061</u>	City Council: 03/29/10 Planning Commission: 03/09/10 First Reading: 3/29/2010 Second Reading: 4/12/2010 Third Reading:
Subject Request of the Community Development Department to rezone Lots 16 through 24, Block 78, Lots 1 through 4 and Lots 23 through 28, Block 91, the remainder of Blocks 34, 35, 51, 62 and 79 and all of Blocks 36, 50 and 63, Railroad Addition, all of Acosta Subdivision, Thallas Subdivision, Wyatt Subdivision, Wyatt 3 rd Subdivision and Lots 1 through 29, Coy First Subdivision from R-2/Two Family Residential to R-1/Single Family Residential and to rezone Lots 1 through 15, Block 78, Lots 1 through 4, Lots 23 through 26 and the North 132 feet of Lots 27 and 28, Block 92 and all of Blocks 49, 64 and 77, Railroad Addition and all of Wyatt 2 nd Subdivision from R-3/Low Density Multi-Family Residential to R-1/Single Family Residential. (These rezoning descriptions shall include any abutting vacated right-of-way). This area is generally located between South 15 th and South 19 th Streets, from 23 rd Avenue to one-half block south of 28 th Avenue as shown on the attached map.		
Background The Community Development Department is proposing that the above described property be down-zoned from R-2/Two Family Residential and R-3/Low Density Multi-family Residential to R-1/Single Family Residential. Significant public and private investment has been made in this area to promote single family development. Rezoning is required to best preserve this investment in the future. There are currently 147 residential structures within the subject area, all of which are single family. No adverse comments have been received from any City department or utility. All property owners within the area were notified, by mail, of the proposed rezoning. Nineteen of those owners have contacted the Community Development Department requesting additional information. No opposition has been received. One owner within 200 feet also requested additional information.		
Discussion In 1928 the subject area was zoned "F-Open Space". With the adoption of the 1965 Zoning Map, it was rezoned to R-2/Two Family Residential. Over the past few years, significant residential development has taken place within this area. These properties should be rezoned to R-1 in order to protect the existing single family character of the neighborhood.		
Recommendation The Community Development Department recommends rezoning the properties as described above from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to R-1/Single Family Residential.		
Public Hearing Gayle Malmquist appeared before the Planning Commission in favor of the request. Wayne Goff, 2037 23 rd Avenue and Dave Chubb, 2411 South 17 th Street appeared before the Planning Commission with questions regarding future use and road reconstruction.		
Planning Commission Recommendation The Planning Commission recommends rezoning the properties as described above from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to R-1/Single Family Residential.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Map showing proposed rezoning area. Prepared By: Rebecca Sall, Planning Technician, Community Development Department.		



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6061

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED BETWEEN SOUTH 15TH AND SOUTH 19TH STREETS, FROM 23RD AVENUE TO ONE-HALF BLOCK SOUTH OF 28TH AVENUE, FROM R-2/TWO FAMILY RESIDENTIAL AND R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, TO R-1/SINGLE FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.09, 15.10, AND 15.08B OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located between South 15th and South 19th Streets, from 23rd Avenue to one-half block south of 28th Avenue, as shown on the attached map, legally described as follows:

Lots 16 through 24, Block 78, Lots 1 through 4 and Lots 23 through 28, Block 91, the remainder of Blocks 34, 35, 51, 62 and 79 and all of Blocks 36, 50 and 63, Railroad Addition, all of Acosta Subdivision, Thallas Subdivision, Wyatt Subdivision, Wyatt 3rd Subdivision and Lots 1 through 29, Coy First Subdivision, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-2/Two Family Residential to R-1/Single Family Residential, as set forth and defined in Chapters 15.09 and 15.08B of the 2005 Municipal Code of Council Bluffs, Iowa; and

Lots 1 through 15, Block 78, Lots 1 through 4, Lots 23 through 26 and the North 132 feet of Lots 27 and 28, Block 92 and all of Blocks 49, 64 and 77, Railroad Addition and all of Wyatt 2nd Subdivision, in Council Bluffs Pottawattamie County, Iowa, from its present designation as R-3/Low Density Multi-Family Residential to R-1/Single Family Residential, as set forth and defined in Chapters 15.10 and 15.08B of the 2005 Municipal Code of Council Bluffs, Iowa. (These rezoning descriptions shall include any abutting vacated right of way.)

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: March 29, 2010
SECOND CONSIDERATION: April 12, 2010
PUBLIC HEARING: April 12, 2010
THIRD CONSIDERATION:

Planning Case No. ZC-10-004

Council Communication

Department and Applicant: Community Development Case No. ZC-10-003	Ordinance No. <u>6062</u>	City Council: 3-29-10 Planning Commission Meeting: 3-9-10 Public Hearing: 4-12-2010
Subject/Title		
<p>Rezone approximately 1,058 acres of newly annexed land from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as:</p> <p style="padding-left: 40px;">Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.</p>		
Background/Discussion		
<p>On August 10, 2009, the City Council passed Resolution No. 09-235 approving the voluntary annexation with owners in opposition of approximately 1,058 acres of land. The State notified the City that the approval process for the voluntary annexation as shown in Exhibit 'A' was complete on December 22, 2009. §15.27.030 of the Zoning Ordinance states that 'Annexed land shall retain the same zoning classification after annexation that it had prior to annexation. Those regulations shall remain in place until the City completes the legislative action to rezone the property.'</p> <p>The request is to rezone all of the newly annexed area (within the dark line) as shown on Exhibit 'A' to A-2/Parks, Estates and Agricultural District. The exhibit shows the existing County zoning both inside and outside of the City. Abutting land inside the City is generally zoned R-1/Single Family Residential. The Airport is zoned A-1/Open Space and Conservation District and conforms to the County Zoning Ordinance. Upon adoption of a proposed text amendment (Case #ZT-10-002), a secondary airport is a permitted use in an A-2 District. Existing commercial uses can continue as a legally nonconforming use, just as they were prior to annexation. The bulk of the recently annexed land is in large lot residential, undeveloped or in agricultural use, which conform to the A-2 regulations. Several owners have contacted the Department with questions regarding the impact of the rezoning on their property.</p> <p>The rezoning is consistent with the intent of the 1994 Comprehensive Plan, which calls for low density residential/neighborhood commercial and vacant/agricultural uses within the two miles surrounding the City. Change in land use for this area is not imminent. Development will require Planning Commission consideration and City Council action on rezoning and subdivision to allow for a new use.</p>		
Recommendation		
<p>The Community Development Department recommends rezoning consistent with the 1994 Comprehensive Plan, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as:</p> <p style="padding-left: 40px;">Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.</p>		
Public Hearing		
<p>Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
Planning Commission Recommendation		
<p>The Planning Commission recommends rezoning consistent with the 1994 Comprehensive Plan, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as:</p> <p style="padding-left: 40px;">Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.</p>		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachment: Zoning map – Exhibit 'A' and Chapter 15.05- A-2/Parks, Estates and Open Space District Prepared by: Gayle M. Malmquist, Development Services Coordinator		

Chapter 15.05

A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

Sections:

- 15.05.010 Statement of intent
- 15.05.020 Principal uses
- 15.05.030 Conditional uses
- 15.05.040 Accessory uses
- 15.05.050 Site development regulations
- 15.05.060 Additional regulations
- 15.05.070 Signs

15.05.010 Statement of intent. This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

15.05.020 Principal uses. The following principal uses shall be permitted outright in an A-2 district:

- 01. Animal production
- 02. Cemetery
- 03. Dwelling, single family detached
- 04. Family home
- 05. Government maintenance facility
- 06. Horticulture and crop production
- 07. Local utility services
- 08. Park and recreation services
- 09. Public campground
- 10. Public safety services
- 11. Religious assembly
- 12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres

(Ord. #5523, Sec. 1,10/23/00)

15.05.030 Conditional uses. The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.27 02:

- 01. Agricultural sales and service
- 02. Commercial recreation (outdoor)
- 03. Day care services

- 04. Extraction activity
 - 05. Funeral service in conjunction with a cemetery
 - 06. Outdoor firing range
 - 07. Private campground
 - 08. Sanitary landfill
 - 09. Rubble dump
- (Ord. #5523, Sec. 2,10/23/00)

15.05.040 Accessory uses. Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

15.05.050 Site development regulations.

Minimum Lot Size

Lot area: 3 acres
 Lot width: 150 feet
 Lot depth: 200 feet

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front yard	50 feet	greater of 50 feet or existing front setback line of principal structure
Street side yard:	20 feet	20 feet
Side yard:	10 feet or 10% of lot width whichever is greater	10 feet or 10% of lot width or whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage: <u>- all structures</u>	10% maximum	

15.05.060 Additional regulations.

- 01. Reserved

15.05.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5285, 8/26/96)

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6062

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF APPROXIMATELY 1,058 ACRES OF NEWLY ANNEXED LAND FROM A-1/OPEN SPACE AND CONSERVATION DISTRICT, A-4/LOESS HILLS DISTRICT, R-2/URBAN TRANSITIONAL DISTRICT AND R-3/URBAN RESIDENTIAL DISTRICT (COUNTY) TO A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT (CITY), AS SET FORTH AND DEFINED IN CHAPTER 15.05 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of 1,058 acres of newly annexed land, as shown on Exhibit "A" and generally described as follows:

Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa, from its present designation as A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City), as set forth and defined in Chapter 15.05 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED AND APPROVED _____

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: March 29, 2010
SECOND CONSIDERATION: April 12, 2010
PUBLIC HEARING: April 12, 2010
THIRD CONSIDERATION:

COUNCIL COMMUNICATION

Department: <u>Public Works</u>	Ordinance No. <u>6063</u>	First Reading <u>March 29, 2010</u>
Case/Project No.: _____	Resolution No. _____	Public Hearing <u>April 12, 2010</u>
Applicant: <u>Dan Woellhof-CBO</u>		Second Reading <u>April 12, 2010</u>
		Third Reading _____

SUBJECT/TITLE

An ordinance to amend Title 13 entitled "Building Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending in part Chapter 13.27 to be entitled "Swimming Pool, Spa, and Hot Tub Code" and to be codified.

BACKGROUND/DISCUSSION

- This proposed ordinance updates the Uniform Swimming Pool, Spa, and Hot Tub Code from the 2000 edition to the 2009 edition.

SIGNIFICANT AMENDMENTS

- There does not appear to be any changes or additions to the published Code that will be controversial.

RECOMMENDATION

The Public Works Director and the Building Official recommend that the City Council favorably considered this proposed ordinance and pass it into law.

Greg Reeder, Public Works Director

ORDINANCE 6063

AN ORDINANCE to amend Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending in part Chapter 13.27 to be entitled "Swimming Pool, Spa, and Hot Tub Code" and to be codified.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. ADOPTION.

13.27.010 amended – Adoption. That the section adopting this code shall read as follows:

That a certain document being marked and designated as the "Uniform Swimming Pool, Spa, and Hot Tub Code", 2009 edition, as approved and published by the International Association of Plumbing and Mechanical Officials of Ontario, CA, including the recognized code Referenced Standards contained in USPSHTC Chapter 6 all as modified or amended therein; be and the same are adopted as the Uniform Swimming Pool, Spa, and Hot Tub Code of the City of Council Bluffs, Iowa, one copy of which is on file in the office of the Building Official of Council Bluffs.

This adopted code regulates and governs the erection, installation, alteration, repair, relocation, replacement, addition to, use, and maintenance of Swimming Pool, Spa, and Hot Tub systems within this jurisdiction.

Each and all of these regulations, provisions, penalties, conditions and terms of this Swimming Pool, Spa, and Hot Tub Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, along with certain additions, insertions, deletions, and changes.

SECTION 2. AMENDMENTS.

Some of the existing amended sections of the "Swimming Pool, Spa, and Hot Tub Code" are hereby revised, deleted, and/or amended as follows:

13.27.015 USPSHTC Chapter 1 deleted – Administration.

USPSHTC Chapter 1 shall be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.27.020 deleted Section 101.3 - Scope.

USPSHTC Section 101.3 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.27.030 deleted Section 106.0 – Violation and Penalties.

USPSHTC Section 106.0 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.27.040 deleted Section 118.0 – Board of Appeals membership.

USPSHTC Section 118.0 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

SECTION 4. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 2010) as by law provided.

PASSED
AND
APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: March 29, 2010
Second Consideration: April 12, 2010
Public Hearing: April 12, 2010
Third Consideration:

COUNCIL COMMUNICATION

Department: <u>Public Works</u>	Ordinance No. <u>6064</u>	First Reading <u>March 29, 2010</u>
Case/Project No.: _____	Resolution No. _____	Public Hearing <u>April 12, 2010</u>
Applicant: <u>Dan Woellhof-CBO</u>		Second Reading <u>April 12, 2010</u>
		Third Reading _____

SUBJECT/TITLE

- AN ORDINANCE to amend Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Chapter 13.21 which is entitled "Property Maintenance Code" and to be codified.

BACKGROUND/DISCUSSION

- This proposed ordinance updates the International Property Maintenance Code from the 2003 edition to the 2009 edition.

SIGNIFICANT AMENDMENTS

- There does not appear to be any changes or additions to the published Code that will be controversial.

CHANGES IN THE EDITIONS

There are new IPMC published Sections such as:

Section 202 entitled "Definitions" adds: Anchored, Detached, Deterioration, Equipment Support, Neglect, Pest Elimination, & Ultimate Deformation.

Section 304.1.1 entitled Exterior Unsafe Conditions adds definitions of such

Section 305.1.1 entitled Interior Unsafe Conditions adds definitions of such

Section 306 entitled Component Serviceability adds maintenance requirements.

Section 502.5 entitled Public toilet facilities adds maintenance requirement.

Section 506.3 entitled Grease interceptors adds maintenance requirement.

Section 604.3.1 entitled Abatement of electrical hazards associated with water exposure adds electrical equipment that has been exposed to water shall be replaced or repaired.

Section 604.3.2 entitled Abatement of electrical hazards associated with fire exposure adds electrical equipment that has been exposed to fire shall be replaced or repaired.

RECOMMENDATION

The Public Works Director and the Building Official recommend that the City Council favorably considered this proposed ordinance and pass it into law.

ORDINANCE 6064

AN ORDINANCE to amend Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending in part Chapter 13.21 entitled "Property Maintenance Code" and to be codified.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. ADOPTION.

13.21.010 amended – Adoption. That the section adopting this code shall read as follows:

That a certain document being marked and designated as the "International Property Maintenance Code", 2009 edition, as approved and published by the International Code Council of Falls Church, VA, including the recognized code Referenced Standards contained in IPMC Chapter 8 all as modified or amended therein; be and the same are adopted as the property maintenance code of the City of Council Bluffs, Iowa, one copy of which is on file in the office of the Building Official of Council Bluffs.

This adopted code regulates and governs the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities, facilities, other physical things, and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy and use. Also, this adopted code provides for the condemnation of building and structures unfit for human occupancy and use, and the demolition of such existing structures in Council Bluffs.

Each and all of these regulations, provisions, penalties, conditions and terms of this said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, along with certain additions, insertions, deletions, and changes.

SECTION 2. AMENDMENTS.

Some of the existing amended sections of the "*International Property Maintenance Code*" are hereby revised, deleted, and/or amended as follows:

13.21.015 Chapter 1 deleted – Administration.

IPMC Chapter 1 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.21.020 Section 101.1 deleted - Title.

IPMC Section 101.1 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.21.030 Section 103.5 deleted - Fees.

IPMC Section 103.5 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.21.040 Section 104.7 deleted - Department Records.

IPMC Section 104.7 is to be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.21.068 Section 309 amended – Extermination.

Municipal Code Section 13.21.068 is to be amend by re-numbering from IPMC Section 308 to Section 309

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

SECTION 4. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 2010) as by law provided.

PASSED

AND

APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: March 29, 2010
Second Consideration: April 12, 2010
Public Hearing: April 12, 2010
Third Consideration:

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant: Dan Woellhof-CBO

Ordinance No. 6065
Resolution No. _____

First Reading March 29, 2010
Public Hearing April 12, 2010
Second Reading April 12, 2010
Third Reading _____

SUBJECT/TITLE

An ordinance to amend Title 13 entitled "Building Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 13.09 in its entirety and enacting a new Chapter 13.09 to be codified and entitled "Mechanical Code".

BACKGROUND/DISCUSSION

- This proposed ordinance updates the International Mechanical Code from the 2003 edition to the 2009 edition which will make it consistent with the State of Iowa Mechanical Code as adopted and amended in the Iowa Administrative Code Section 661-301.4(103A).

AMENDMENTS

- The administrative provisions for this code are proposed to be moved to Chapter 13.01 of the Municipal Code for conformity and simplicity. The proposed amendments are the same as the State of Iowa Mechanical Code.

CHANGES IN THE EDITIONS

- Additional safety requirements for appliances located in attics, under floors, and on sloped roofs. New installations of Type 1 hood systems shall be designed to automatically activate the exhaust fan whenever cooking operations occur.

RECOMMENDATION

The Public Works Director and the Building Official recommend that the City Council favorably considered this proposed ordinance and pass it into law.

ORDINANCE 6065

AN ORDINANCE to amend Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 13.09 in its entirety and enacting a new Chapter 13.09 to be codified and entitled “Mechanical Code”.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. ADOPTION

That Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing Chapter 13.09 in its entirety and enacting a new Chapter 13.09 to be codified and entitled “Mechanical Code”, to read as follows:

SECTION 13.09.010 ADOPTION. That a certain document being marked and designated as the 2009 edition of the International Mechanical Code, excluding Appendix Chapters A and B, as published by the International Code Council, including the recognized code Referenced Standards contained in Chapter 15 all as modified or amended in the International Mechanical Code referenced herein; be and the same are adopted as the Mechanical Code of the city of Council Bluffs, Iowa, which is on file and open for inspection by the public in the office of the Building Official, are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter, subject to the revisions, modifications, additions, insertions, changes, and/or deletions in sections that are described in the following sections of this chapter. Referenced as a part of the IMC is the International Fuel Gas Code as adopted in Chapter 13.26 of the Municipal Code.

SECTION 2. PROVISIONS.

The above adopted International Mechanical Code shall have these provisions as follows:

SECTION 13.09.020 ADMINISTRATIVE PROVISIONS. The Chapter 1 administrative provisions for this Mechanical Code shall be as provided for in Chapter 13.01 of the Municipal Code.

SECTION 13.09.030 PROVISIONS. This Mechanical Code shall regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided. This Mechanical Code shall be enforced within the city limits of Council Bluffs, Iowa, which provides for issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, conditions and terms of the International Mechanical Code as published by the International Code Council.

SECTION 3. AMENDMENTS

SECTION 13.09.100 AMENDMENTS. The International Mechanical Code sections shall be as amended to coincide with the current State of Iowa IMC amendments in IAC 661-301.4(103A) which are as follows:

13.09.110 Section 403 amended – Mechanical Ventilation. Section 403 shall be deleted in its entirety and enacting a new Section 403 to read as follows:

Section 403 – Mechanical Ventilation. Mechanical ventilation systems shall be designed in accordance with the provisions of ASHRAE Standard 62.1-2007, “Ventilation for Acceptable Indoor Air Quality”, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, 1791 Tullie Circle, N.E., Atlanta, GA 30329.

13.09.120 Chapter 15 amended – Referenced Standards. That Chapter 15 shall be amended in part as follows:

Delete all references to the “International Plumbing Code” and insert in lieu thereof the plumbing code as adopted in Chapter 13.12 of the Municipal Code.

Delete all references to the “ICC Electrical Code” and insert in lieu thereof the electrical code as adopted in Chapter 13.16 of the Municipal Code.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 10) as by law provided.

PASSED
AND
APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: March 29, 2010
Public Hearing: April 12, 2010
Second Consideration: April 12, 2010
Third Consideration:



COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant: Dan Woellhof-CBO

Ordinance No. 6066
Resolution No. _____

First Reading March 29, 2010
Public Hearing April 12, 2010
Second Reading April 12, 2010
Third Reading _____

SUBJECT/TITLE

- AN ORDINANCE to amend Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Chapter 13.26 to be codified and which is entitled “Fuel Gas Code”.

BACKGROUND/DISCUSSION

- This proposed ordinance updates the International Fuel Gas Code from the 2003 edition to the 2009 edition which will make it consistent with the International Mechanical Code 2009 edition.

SIGNIFICANT AMENDMENTS

- The administrative provisions for this code are proposed to be moved to Chapter 13.01 of the Municipal Code for conformity and simplicity.

RECOMMENDATION

The Public Works Director and the Building Official recommend that the City Council favorably considered this proposed ordinance and pass it into law.

Greg Reeder, Public Works Director

ORDINANCE 6066

AN ORDINANCE to amend Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 13.26 in its entirety and enacting a new Chapter 13.26 to be codified and entitled “Fuel Gas Code”.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. ADOPTION

That Title 13 entitled “Buildings and Construction” of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing Chapter 13.26 in its entirety and enacting a new Chapter 13.26 to be codified and entitled “Fuel Gas Code”, to read as follows:

SECTION 13.26.010 ADOPTION. That a certain document being marked and designated as the 2009 edition of the International Fuel Gas Code, including Appendix A, B, C, & D, as published by the International Code Council of Falls Church, VA, including the recognized code Referenced Standards contained in Chapter 8 all as modified or amended in the International Fuel Gas Code referenced herein; be and the same are adopted as the Fuel Gas Code of the city of Council Bluffs, Iowa, which is on file and open for inspection by the public in the office of the Building Official, are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter, subject to the revisions, modifications, additions, insertions, changes, and/or deletions in sections that are described in the following sections of this chapter.

SECTION 2. PROVISIONS.

The above adopted edition of the International Fuel Gas Code shall have these provisions as follows:

SECTION 13.26.020 ADMINISTRATIVE PROVISIONS. The administrative provisions for this Fuel Gas Code shall be as provided for in Chapter 13.01 of the Municipal Code.

SECTION 13.26.030 PROVISIONS. This Fuel Gas Code regulates the installation of fuel gas piping systems, fuel gas appliances, gaseous hydrogen systems, and related accessories.

This Fuel Gas Code is enforced within the city limits of Council Bluffs, Iowa, which provides for issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, conditions and terms of the International Fuel Gas Code as published by the International Code Council.

SECTION 3. AMENDMENTS

SECTION 13.26.050 AMENDMENTS. The existing building code shall be as amended to coincide with the State of Iowa in IAC661-301.7(103A) and the amendments are as follows:

13.26.051 Chapter 1 deleted-- Administration. IFGC Chapter 1 shall be deleted in its entirety and be replaced by Chapter 13.01 of the Municipal Code.

13.26.055 Chapter 8 amended – Referenced Standards. IFGC Chapter 8 shall be amended

in part for the following International Code Council Referenced Standards which are as follows:

IPC- any reference to the International Plumbing Code shall be amended to be the Plumbing Code as mandated, adopted and amended by the State of Iowa and as in Chapter 13.12 of the Municipal Code.

IFGC - any reference to the Fuel Gas Code shall coincide with the State of Iowa Fuel Gas Code as adopted and amended by the State of Iowa Public Safety Department as described in Title 661 of the Iowa Administrative Code in Section 661-221(103A).

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 10) as by law provided.

PASSED

AND

APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: March 29, 2010
Public Hearing: April 12, 2010
Second Consideration: April 12, 2010
Third Consideration: